



## U.S. Fish & Wildlife Service

# Critical Habitat

## *What is it?*

When a species is proposed for listing as endangered or threatened under the Endangered Species Act, the Service must consider whether there are areas of habitat we believe are essential to the species' conservation so that they may be proposed for designation as 'critical habitat'. If so, then additional decisions must be made as to its boundaries. The determination and designation of critical habitat is one of the most controversial and confusing aspects of the Endangered Species Act. Here are answers to some of the most asked questions about critical habitat and the U.S. Fish and Wildlife Service's policy towards critical habitat.

### **What is critical habitat?**

Critical habitat is a term used in the Endangered Species Act. It refers to specific geographic areas that are essential for the conservation of a threatened or endangered species and which may require special management considerations. These areas do not necessarily have to be occupied by the species at the time of designation.

### **Do listed species in critical habitat areas receive more protection?**

An area designated as critical habitat is not a refuge or special conservation area. Listed species and their habitat are protected by the Endangered Species Act whether or not they are in an area designated as critical habitat.

### **What is the purpose of designating critical habitat?**

Federal agencies are required to consult with the Service on actions they carry out, fund, or authorize that might destroy or adversely modify critical habitat.

A critical habitat designation has no effect on situations where a Federal agency is not involved -- for example, a landowner undertaking a project on private land that involves no Federal funding or permit.

### ***Myths & Realities***

**If critical habitat is designated, does that mean no further development can occur?**

No. A critical habitat designation does not restrict further development; it just reminds us that specific habitat areas are of importance to a listed species.

**Is a species absolutely protected from any further habitat degradation in a location where critical habitat has been designated?**

No. Only activities that involve a Federal permit, license or funding, and are likely to destroy or adversely modify the area of critical habitat may be affected. If so, the Service will work with the Federal agency and, where applicable, partnering private or State landowner to amend their project to allow it to go through without adversely affecting the habitat.

### **Must Federal agencies consult with the Service outside critical habitat areas?**

Yes, even when there is no critical habitat designation, Federal agencies must consult with the Service to ensure any action they carry out, fund, or authorize is not likely to jeopardize the continued existence of a listed species.

### **What is the impact of a critical habitat designation on economic development?**

The vast majority of human activities that require a consultation with the U.S. Fish and Wildlife Service proceed with little or no modification.

### **How does the Service determine what areas to designate?**

Biologists consider physical or biological habitat features needed for life and successful reproduction of the species. These include:

- space for individual and population growth and for normal behavior;
- cover or shelter;
- food, water, air, light, minerals, or

other nutritional or physiological requirements;

- sites for breeding and rearing offspring;
- habitats that are protected from disturbance or are representative of the historic geographical and ecological distributions of a species.

### **Does the Act require an economic analysis as part of designating critical habitat?**

Yes. The Service must take into account the economic impact of specifying any particular area as critical habitat. The Service may exclude any area from critical habitat if it determines that the benefits of such exclusion outweigh the benefits of specifying the area as part of critical habitat, unless it determines based on the best scientific and commercial data available, that the failure to designate the area as critical habitat will result in the extinction of the species.

### **Does this economic analysis have any effect on the decision to list a species?**

No, under the Act, a decision to list a species is made solely on the basis of scientific data and analysis.

### **For how many species has the Service designated critical habitat?**

To date, the Service has designated critical habitat for 116 of the 1,206 species listed as threatened or endangered.

### **Why hasn't the Service designated critical habitat for more species?**

The Service has assigned a relatively low priority to designating critical habitat because it has believed that a more effective use of limited resources has been to place imperiled species on the threatened and endangered species list.

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